IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.3501 of 2006

DATE OF ORDER: 30.1.2007

Manmohan Singh

...Petitioner(s)

Versus

Smt Gurbir Kaur

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Padam Jain, Advocate.

Mr. Mohit Garg, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 10.5.2006 passed by Civil Judge(Jr.Divn.), Patiala whereby request for amendment in the plaint was declined.

It comes out that the plaintiff had filed a suit for permanent injunction for restraining the defendants from interfering in peaceful possession of the property, stated to be at Patiala. During the pendency of the suit, he made an application for amendment of the plaint to seek relief of specific performance of the sale and also for mandatory injunction with the relief of permanent injunction.

According to the plaintiff, defendant, now respondent had executed an agreement of sale dated 18.3.2001 and had delivered possession. Further according to the plaintiff, now petitioner defendant had taken forcible possession during the period of the suit and as such there was need to make amendment.

Counsel for the plaintiff, now petitioner states that since the possession is no longer with the plaintiff, plaintiff wanted to file suit for specific performance of agreement of sale and when plaintiff wanted to do that, this was also opposed by the opposite party. It is argued that the plaintiff, now petitioner may be allowed to withdraw the suit for permanent injunction with liberty to file suit for specific performance.

After hearing counsel for the parties, it is directed that the suit filed by the plaintiff for permanent injunction shall stand dismissed as withdrawn and plaintiff shall be at liberty to file suit for specific performance of the agreement of sale and for possession.

With this observation, petition stands disposed of.

January 30, 2007 (M.M. AGGARWAL)
manoj JUDGE